

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4383 of 2006()

**CRA.90/2005 of ADDL. SESSIONS COURT (ADHOC-I), THODUPUZZHA
CC.1038/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, PEERMEDU.**
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REVN. PETITIONER/APPELLANT/ACCUSED:

P.S. RAJU, S/O. SREEDHARAN,
PUTHUPARAMBIL HOUSE,
THENGAKKAL, 110 PUTHUVAL,
MLAMALA P.O., ELAPPARA

BY ADV. SRI.C.S. MANILAL

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

1. KURUVILA JOHN, S/O. T.N. JOHN,
THENGAKKAL ESTATE QUARTERS,
MLAMALA P.O., MANJUMALA VILLAGE,
IDUKKI DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.K.R.SUNIL
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP
FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4383 OF 2006

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Dated this the 7th December , 2006

O R D E R

The petitioner was found guilty for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a term of three months . The accused was further directed to pay a sum of Rs. 50,000/- as compensation to the complainant under section 357(3) of the Code of Criminal Procedure . The appeal filed by the revision petitioner/accused was dismissed, confirming the conviction and sentence.

2. Learned counsel for the petitioner submits that the sentence of imprisonment for a term of three months is too harsh, particularly, since the petitioner is a heart patient. The petitioner is prepared to pay the compensation amount provided a reasonable time is granted to deposit the same. Heard learned counsel for the first respondent as well. He

submitted that the first respondent is interested in getting his money and that the petitioner may be directed to pay the amount at the earliest.

3. Taking into account the facts and circumstances of the case and the fact that the petitioner is a heart patient, I am inclined to reduce the sentence of imprisonment to imprisonment till the rising of the court and to grant three months' time to pay the amount of compensation .

In the result, the Crl. Revision Petition is partly allowed in the manner indicated below:

i) The conviction of the petitioner under section 138 is confirmed.

ii) The sentence of imprisonment is reduced to imprisonment till the rising of the court.

iii) The direction to pay compensation of Rs.50,000/- is confirmed and the default sentence thereon is also confirmed. However, three months' time is granted to the petitioner to pay the amount of compensation .

iv) Execution of the default sentence, in respect of the compensation, shall be kept in abeyance for a period of three months.

**K.T. SANKARAN,
JUDGE.**

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K.T. SANKARAN, J.

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CRL. M.A. No. 11518 OF 2006

IN CRL. R.P.No. 4383 OF 2006
.....

Dated this the 7th December , 2006

O R D E R

This is an application for condonation of delay of 204 days in filing the revision. It is stated in the affidavit accompanying the petition that the petitioner had a massive heart attack and was hospitalised for more than three months. Documents are also produced to show that he is suffering from heart ailments. Taking into account the facts and circumstances of the case, the delay is condoned.

Number the Crl. Revision Petition.

**K.T. SANKARAN,
JUDGE.**

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